

PROB. 12B
(7/93)

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 07 2007

at 10 o'clock and 55 min. A.M.
SUE BETTIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: DELORES KAHEALANI TORRES, Case No.: CR 00-00257HG-04
fka Delores Ishii

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor
Chief U.S. District Judge

Date of Original Sentence: 3/22/2001

Original Offense: Count 1: Conspiracy to Make Forge, Counterfeit, or Pass
Obligations of the United States, in violation of 18 U.S.C. §§ 371,
471 and 472, a Class C felony

Original Sentence: Three (3) years probation with the following special conditions:
1) The defendant shall provide the Probation Office access to any
requested financial information; 2) The fine of \$500 is due
immediately and any remaining balance be paid during the period
of probation on an installment basis according to the collection
policy of the Probation Office but at a rate of not less than
10 percent of her monthly gross income; and 3) The restitution of
\$50 is due immediately to Nanko Fishing Supply, Inc., and is to be
paid jointly and severally with codefendants Myron Moon and Inga
Bertelmann.

Modification of
Sentence: On 9/30/2002, pursuant to the filing of a Probation Form 12B,
Request to Modify Conditions of Probation, the Court modified the
defendant's conditions of probation by adding the following special
condition: 4) That the defendant participate in a substance abuse
program, which may include drug testing at the discretion and
direction of the Probation Office.

Revocation
Sentence: On 6/2/2003, the Court revoked probation based on a finding
that the defendant tested positive for methamphetamine on
2 occasions, refused to provide urine specimens on 4 occasions,
and failed to appear for drug counseling sessions on 6 occasions.
The Court sentenced the offender to 1 month imprisonment, to be

followed by 35 months of supervised release with the following special conditions: 1) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; 2) That the defendant is prohibited from possessing any illegal or dangerous weapons; 3) That the defendant provide the Probation Office access to any requested financial information; 4) That the defendant participate in a mental health program at the discretion and direction of the Probation Office; and 5) That the defendant shall submit her person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to search pursuant to this condition.

Modification of
Sentence:

On 4/20/2005, pursuant to the filing of a Probation Form 12B, Request to Modify Conditions of Probation, the Court modified the defendant's conditions of probation by adding the following special condition: 6) That the defendant shall perform 50 hours of community service as directed by the Probation Office.

Second Revocation
Sentence:

On 5/13/2005, the Court revoked supervision based on a finding that the defendant tested positive for methamphetamine on 2 occasions, refused to provide urine specimens on 4 occasions, and was terminated from substance abuse treatment. The Court sentenced the defendant to 9 months imprisonment, to be followed by 26 months of supervised release with the following special conditions: 1) That the defendant participate in a substance abuse program, and/or community live-in program up to six months, which may include drug testing at the discretion and direction of the Probation Office; 2) That the defendant provide the Probation Office access to any requested financial information; 3) That the defendant participate in a mental health program at the discretion and direction of the Probation Office; and 4) That the defendant shall submit her person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to search pursuant to this condition.

Type of Supervision: Supervised Release Date Supervision Commenced: 2/3/2006

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

General Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision (mandatory condition).

CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1. Special Condition No. 1	On 12/7/2006, the subject failed to provide a urine specimen.
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The subject's current term of supervised release commenced on 2/3/2006. The subject was referred to Drug Addiction Services of Hawaii, Hilo (DASH) for substance abuse counseling and testing. The subject has remained free of any positive drug tests. However, on 12/7/2006, the subject failed to appear for urine testing. Upon being questioned, the subject reported that she forgot to call the DASH recorder.

The subject has agreed to modify her conditions of supervised release to allow drug testing consistent with United States v. Stephens. The subject's extensive substance abuse history warrants the modification of the condition. The revised condition will enable our office to monitor the subject's future compliance once she completes substance abuse treatment.

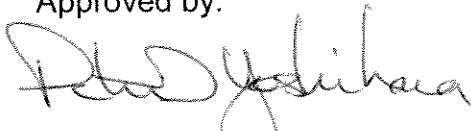
Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives her right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections.

Respectfully submitted by,



MARK T. NUGENT
U.S. Probation Officer

Approved by:



PETER D. YOSHIHARA
Supervising U.S. Probation Officer

Date: 5/2/2007

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



HELEN GILLMOR
Chief U.S. District Judge

5.3.07

Date

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

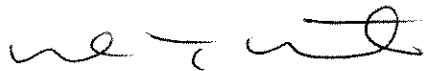
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

- ☐ To extend the term of supervision for years, for a total term of years.
☒ To modify the conditions of supervision as follows:

General Condition:

That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision (mandatory condition).

Witness:



MARK T. NUGENT
U.S. Probation Officer

Signed:



DELORES KAHEALANI TORRES
Supervised Releasee

4/17/07

Date